

By: Ellis

S.B. No. 933

A BILL TO BE ENTITLED

AN ACT

relating to compensation to persons wrongfully imprisoned.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 103.002, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 103.002. CHOICE OF COMPENSATION METHOD. (a) A person entitled to compensation under Section 103.001 may proceed by following the provisions for administratively awarded compensation under Subchapter B, ~~or~~ by filing suit under Subchapter C, or both ~~[but a person may not seek compensation under both Subchapters B and C].~~

(b) A person who applies for administratively awarded compensation under Subchapter B and files suit under Subchapter C is entitled only to the highest amount awarded through one of those methods. If a person received two awards and the second award is higher than the first, any amount paid towards the first award shall be deducted from the amount owed to the person under the second award.

SECTION 2. Section 103.052, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) A person who meets the requirements of Section 103.001 is entitled to compensation in an amount equal to:

(1) \$50,000 multiplied by the number of years served

1 in prison, expressed as a fraction to reflect partial years; [~~and~~]

2 (2) compensation for child support payments owed by  
3 the person that became due and interest on child support arrearages  
4 that accrued during the time served in prison but were not paid; and

5 (3) expenses incurred on behalf of the petitioner in  
6 connection with all associated criminal proceedings and appeals and  
7 in connection with obtaining the petitioner's discharge from  
8 imprisonment, including any fine or court costs paid and reasonable  
9 attorney's fees, including reasonable attorney's fees for applying  
10 for compensation under this subchapter.

11 (e) If requested by the claimant, up to 120 hours of tuition  
12 at a career center, community college, or state university shall be  
13 paid on behalf of the claimant.

14 (f) If requested by the claimant, reasonable expenses for a  
15 financial advisor shall be paid on behalf of the claimant for two  
16 years.

17 SECTION 3. Section 103.151, Civil Practice and Remedies  
18 Code, is amended by adding Subsection (d) to read as follows:

19 (d) The comptroller shall pay any amounts due an applicant  
20 under Section 103.052(e) or (f) as they accrue. If appropriated  
21 funds are insufficient to pay those amounts, the comptroller shall  
22 request an appropriation and make payment in accordance with  
23 Section 103.152.

24 SECTION 4. The changes in law made by this Act apply to an  
25 action or application for compensation under Chapter 103, Civil  
26 Practice and Remedies Code, as amended by this Act, that is pending  
27 or commenced on or after the effective date of this Act.

1 SECTION 5. This Act takes effect September 1, 2009.